

RECEIVED
CENTRAL FAX CENTER**JUN 21 2006****FAX TRANSMISSION****DATE:** June 21, 2006**PTO IDENTIFIER:** Application Number 10/616696-Conf. #1591

Patent Number

Inventor: Narutoshi SUGITA et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** LAHIVE & COCKFIELD, LLP

Anthony A. Laurentano

PHONE: (617) 227-7400**Attorney Dkt. #:** CSC-021CN**PAGES (Including Cover Sheet):** 5**CONTENTS:** Transmittal (1 page)
Response to Restriction Requirement (with Traverse) (2 pages)
Certificate of Transmission (1 page)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (617) 227-7400 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

LAHIVE & COCKFIELD, LLP
28 State Street, Boston, Massachusetts 02109
Telephone: (617) 227-7400 Facsimile: (617) 742-4214

RECEIVED
CENTRAL FAX CENTER
JUN 21 2006

PTO/SB/97 (09-04)

Approved for use through 07/31/2008, OMB 0661-0031

U. S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

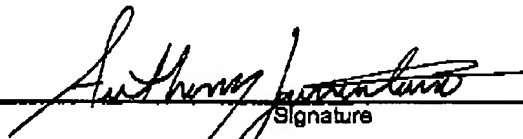
Application No. (if known): 10/616696

Attorney Docket No.: CSC-021CN

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on June 21, 2006
Date



Signature

Anthony A. Laurentano

Typed or printed name of person signing Certificate

38,220

Registration Number, if applicable

(617) 227-7400

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Transmittal (1 page)

Response to Restriction Requirement (with Traverse) (2 pages)

RECEIVED
CENTRAL FAX CENTER

JUN 21 2006

PTO/SB/21 (09-04)

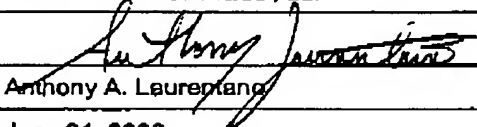
Approved for use through 07/31/2008. OMB 0661-0031

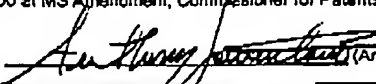
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/616696-Conf. #1591
	Filing Date	July 9, 2003
	First Named Inventor	Narutoshi SUGITA
	Art Unit	1745
	Examiner Name	D. W. D. Yuan
Total Number of Pages in This Submission	Attorney Docket Number	CSC-021CN

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement
Remarks: _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Anthony A. Laurentano		
Date	June 21, 2006	Reg. No.	38,220

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300 at MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: June 21, 2006	Signature:  (Anthony A. Laurentano)

RECEIVED
CENTRAL FAX CENTER

JUN 21 2006

Docket No.: CSC-021CN
(PATENT)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-6300 at MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 21, 2006

Signature:

(Anthony A. Laorantano)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Narutoshi Sugita *et al.*

Application No.: 10/616696

Confirmation No.: 1591

Filed: July 9, 2003

Art Unit: 1745

For: SOLID POLYMER ELECTROLYTE FUEL
CELL STACK

Examiner: D. W. D. Yuan

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed May 22, 2006 (Paper No. 05162006).

The Examiner has required restriction between the following distinct species of the claimed invention in the above-identified application:

Species I - encompassing claims 1-4 which is drawn to a fuel cell stack comprising a plurality of fuel cell units, a fuel gas supply/discharge passage, an oxygen-containing gas supply/discharge passage, a plurality of fuel gas flow passages and a plurality of oxygen-containing gas flow passages;

Species II - encompassing claims 5-8 drawn to a fuel cell stack comprising a plurality of fuel cell units, a fuel gas supply port, an oxygen-containing gas supply port, a plurality of fuel gas flow passage and a plurality of oxygen-containing gas flow passages;

Species III - encompassing claims 9-19 drawn to fuel cell stack comprising a plurality of fuel cell units that are stacked in a horizontal direction, a fuel gas supply/discharge passage, and an oxygen-containing gas supply/discharge passage;

Application No.: 10/616696

Docket No.: CSC-021CN

Species IV - encompassing claims 20-26 drawn to a fuel cell stack comprising a plurality of fuel cell units that are stacked in a horizontal direction, a fuel gas supply/discharge passage, a supply port for the fuel gas supply/discharge passage and a discharge port for the fuel supply/discharge passage; and

Species V - encompassing claims 27-32 drawn to a fuel cell stack comprising a plurality of fuel cell units that are stacked in a horizontal direction, an oxygen-containing gas supply/discharge passage, a supply port for the oxygen-containing gas supply/discharge passage and a discharge port for the oxygen-containing gas supply/discharge passage.

Accordingly, Applicants hereby elect Species II, claims 5-8 for continued examination, with traverse. Applicants respectfully note that claim 5 is generic relative to the claims within the elected group.

Applicants respectfully assert that a single search of pertinent prior art would appear to suffice for all aspects of the invention. Specifically, the various species appear to be so interrelated that a single examination would not appear to place a serious burden on the Examiner. Therefore, Applicant urges the Examiner to reconsider and withdraw the restriction requirement.

Accordingly, it is respectfully requested that the restriction requirement be withdrawn, and that all of the claims presently pending in this application be examined.

Dated: June 21, 2006

Respectfully submitted,

By 

Anthony A. Lauchiano

Registration No. 38,220

LAHIVE & COCKFIELD, LLP

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney/Agent For Applicant